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17 Attorneys for Plaintiff
18 UNITED STATES OF AMERICA

19 UNITED STATES DISTRICT COURT

20 FOR THE CENTRAL DISTRICT OF CALIFORNIA

21 UNITED STATES OF AMERICA,

22 Plaintiff,

23 v.

24 JOSEPH NEAL SANBERG,

25 Defendant.

No. 25-CR-200-SVW

STIPULATION AND JOINT REQUEST
FOR A PROTECTIVE ORDER
REGARDING DISCOVERY CONTAINING
PERSONAL IDENTIFYING
INFORMATION AND PRIVACY ACT
INFORMATION

26 PROPOSED ORDER FILED SEPARATELY
27
28

1 Plaintiff United States of America, by and through its counsel
2 of record, the United States Attorney for the Central District of
3 California the Acting Chief of the Fraud Section of the U.S.
4 Department of Justice Criminal Division, Assistant United States
5 Attorneys Brett A. Sagel and Nisha Chandran, and U.S. Department of
6 Justice Trial Attorneys Theodore M. Kneller and Adam L.D. Stempel,
7 and defendant JOSEPH NEAL SANBERG ("defendant"), both individually
8 and by and through his counsel of record, Brian R. Michael and Marc
9 L. Mukasey (collectively the "parties"), for the reasons set forth
10 below, request that the Court enter the proposed protective order
11 (the "Protective Order") governing the use and dissemination of
12 (1) personal identifying information ("PII") of real persons
13 pursuant to Federal Rule of Criminal Procedure Rule 16(d)(1), and
14 (2) material that may contain information within the scope of the
15 Privacy Act.

16 Introduction and Grounds for Protective Order

17 1. Defendant is charged with a violation of 18 U.S.C. § 1349:
18 Conspiracy to Commit Wire Fraud. Defendant is released on bond
19 pending trial.

20 2. A protective order is necessary because the government
21 intends to produce to the defense materials containing third
22 parties' PII. The government believes that disclosure of this
23 information without limitation risks the privacy and security of the
24 information's legitimate owners. Because the government has an
25 ongoing obligation to protect third parties' PII, the government
26 cannot produce to defendant an unredacted set of discovery
27 containing this information without the Court entering the
28 Protective Order. Moreover, PII makes up a significant part of the

1 discovery in this case and such information itself, in many
2 instances, has evidentiary value. If the government were to attempt
3 to redact all this information in strict compliance with Federal
4 Rule of Criminal Procedure 49.1, the Central District of
5 California's Local Rules regarding redaction, and the Privacy Policy
6 of the United States Judicial Conference, the defense would receive
7 a set of discovery that would be highly confusing and difficult to
8 understand, and it would be challenging for defense counsel to
9 adequately evaluate the case, provide advice to defendant, or
10 prepare for trial.

11 3. An order is also necessary because the government intends
12 to produce to the defense materials pursuant to Federal Rules of
13 Criminal Procedure 16, 17, and 18 U.S.C. § 3500, and the
14 government's general obligation to produce exculpatory and
15 impeachment material in criminal cases, that may contain information
16 within the scope of the Privacy Act, 5 U.S.C. § 552a ("Privacy Act
17 Information"). To the extent that these materials contain Privacy
18 Act Information, an order is necessary to authorize disclosure
19 pursuant to 5 U.S.C. § 552a(b)(11).

20 4. The purpose of the Protective Order is to (a) allow the
21 government to comply with its discovery obligations while protecting
22 this sensitive information from unauthorized dissemination, and
23 (b) provide the defense with sufficient information to adequately
24 represent defendant.

25 Definitions

26 5. The parties agree to the following definitions:

27 a. "PII Materials" includes any information that can be
28 used to identify a person, including a name, address, date of birth,

1 Social Security number, driver's license number, telephone number,
2 account number, email address, or personal identification number.

3 b. "Confidential Information" refers to any document or
4 information containing PII Materials that the government produces to
5 the defense pursuant to this Protective Order and any copies
6 thereof.

7 c. "Defense Team" includes (1) defendant's counsel of
8 record ("defense counsel"); (2) other attorneys at defense counsel's
9 law firm who may be consulted regarding case strategy in this case;
10 (3) defense investigators who are assisting defense counsel with
11 this case; (4) retained experts or potential experts, advisors,
12 consultants, and vendors; and (5) paralegals, legal assistants, and
13 other support staff and student personnel to defense counsel who are
14 providing assistance on this case. The Defense Team does not
15 include defendant, defendant's family members, or any other
16 associates of defendant.

17 Terms of the Protective Order

18 6. The parties jointly request the Court enter the Protective
19 Order, which will permit the government to produce Confidential
20 Information in a manner that preserves the privacy and security of
21 third parties. The parties agree that the following conditions in
22 the Protective Order will serve these interests:

23 a. The government is authorized to provide defense
24 counsel with Confidential Information marked with the following
25 legend: "CONFIDENTIAL INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE
26 ORDER." The government may put that legend on the digital medium
27 (such as DVD or hard drive) or simply label a digital folder on the
28 digital medium to cover the content of that digital folder. The

1 government may also redact any PII contained in the production of
2 Confidential Information.

3 b. If defendant objects to a designation that material
4 contains Confidential Information, the parties shall meet and
5 confer. If the parties cannot reach an agreement regarding
6 defendant's objection, defendant may apply to the Court to have the
7 designation removed.

8 c. Defendant and the Defense Team agree to use the
9 Confidential Information solely to prepare for any pretrial motions,
10 plea negotiations, trial, prospective witness preparation, joint
11 defense or common interest discussions, and sentencing hearing in
12 this case, as well as any appellate and post-conviction proceedings
13 related to this case, or with such other persons as hereafter may be
14 authorized by agreement in writing by the parties.

15 d. The Defense Team shall not permit anyone other than
16 the Defense Team to have possession of Confidential Information
17 while outside the presence of the Defense Team, except that
18 defendant may access Confidential Information outside the presence
19 of a member of the Defense Team through a secure e-discovery
20 database established by the Defense Team. Defendant may not in any
21 way print, copy, transmit, or download any Confidential Information
22 on the database.

23 e. Defendant may see and review Confidential Information
24 as permitted by this Protective Order, but other than as set forth
25 herein, defendant may not copy, keep, maintain, or otherwise possess
26 copies of any Confidential Information in this case at any time.
27 Defendant also may not write down or memorialize any data or
28 information contained in the Confidential Information, except if

1 those notes are left in the custody and control of the Defense Team
2 and only for the purpose of aiding in the preparation of defendant's
3 defense.

4 f. The Defense Team may review Confidential Information
5 with a witness or potential witness in this case, including
6 defendant. A member of the Defense Team must be present virtually
7 or in person if PII Materials are being shown to a witness or
8 potential witness. Before being shown any portion of Confidential
9 Information, however, any witness or potential witness must be
10 informed of, and agree in writing to be bound by, the requirements
11 of the Protective Order. No member of the Defense Team shall permit
12 a witness or potential witness to retain Confidential Information or
13 any notes generated from Confidential Information.

14 g. The Defense Team shall maintain Confidential
15 Information safely and securely, and shall exercise reasonable care
16 in ensuring the confidentiality of those materials by (1) not
17 permitting anyone other than members of the Defense Team, defendant,
18 witnesses, and potential witnesses, as restricted and set forth
19 above, to see Confidential Information; (2) not divulging to anyone
20 other than members of the Defense Team, defendant, witnesses, and
21 potential witnesses, the contents of Confidential Information; and
22 (3) not permitting Confidential Information to be outside the
23 Defense Team's offices, homes, vehicles, or personal presence.

24 h. To the extent that defendant, the Defense Team,
25 witnesses, or potential witnesses create notes that contain, in
26 whole or in part, Confidential Information, or to the extent that
27 copies are made for authorized use by members of the Defense Team,
28 such notes, copies, or reproductions become Confidential Information

1 subject to the Protective Order and must be handled in accordance
2 with the terms of the Protective Order.

3 i. The Defense Team shall use Confidential Information
4 only for the litigation of this matter and for no other purpose.
5 Litigation of this matter includes any appeal filed by defendant and
6 any motion filed by defendant pursuant to 28 U.S.C. § 2255. In the
7 event that a party needs to file Confidential Information with the
8 Court or divulge the contents of Confidential Information in court
9 filings, the filing should be made under seal. If the Court rejects
10 the request to file such information under seal, the party seeking
11 to file such information publicly shall provide advance written
12 notice to the other party to afford such party an opportunity to
13 object or otherwise respond to such intention. If the other party
14 does not object to the proposed filing, the party seeking to file
15 such information shall redact any PII Materials and make all
16 reasonable attempts to limit the divulging of PII Materials.

17 j. The parties agree that any Confidential Information
18 inadvertently produced in the course of discovery prior to entry of
19 the Protective Order shall be subject to the terms of the Protective
20 Order. If Confidential Information was inadvertently produced prior
21 to entry of the Protective Order without being marked "CONFIDENTIAL
22 INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE ORDER," the government
23 shall reproduce the material with the correct designation and notify
24 defense counsel of the error. The Defense Team shall take immediate
25 steps to destroy the unmarked material, including any copies.

26 k. Confidential Information shall not be used by the
27 defendant or Defense Team, in any way, in any other matter, absent
28 an order by this Court. All materials designated subject to the

1 Protective Order maintained in the Defense Team's files shall remain
2 subject to the Protective Order unless and until such order is
3 modified by this Court. Within 30 days of the conclusion of
4 appellate and post-conviction proceedings, defense counsel shall
5 return all PII Materials, certify that such materials have been
6 destroyed, or certify that such materials are being kept pursuant to
7 the California Business and Professions Code and the California
8 Rules of Professional Conduct.

9 1. In the event that there is a substitution of counsel
10 prior to when such documents must be returned, new defense counsel
11 must be informed of, and agree in writing to be bound by, the
12 requirements of the Protective Order before the undersigned defense
13 counsel transfers any Confidential Information to the new defense
14 counsel. New defense counsel's written agreement to be bound by the
15 terms of the Protective Order must be returned to the Assistant U.S.
16 Attorney assigned to the case. New defense counsel then will become
17 the Defense Team's custodian of materials designated subject to the
18 Protective Order and shall then become responsible, upon the
19 conclusion of appellate and post-conviction proceedings,
20 for returning to the government, certifying the destruction of, or
21 retaining pursuant to the California Business and Professions Code
22 and the California Rules of Professional Conduct all PII Materials.

23 m. Defense counsel agrees to advise defendant and all
24 members of the Defense Team of their obligations under the
25 Protective Order and ensure their agreement to follow the Protective
26 Order, prior to providing defendant and members of the Defense Team
27 with access to any materials subject to the Protective Order.
28

1 n. The parties have agreed that the Protective Order
2 does not apply to publicly available documents and documents
3 contained in defendant's own electronic devices and accounts, and
4 shall not limit the defendant's rights under the United States
5 Constitution or the Federal Rules of Criminal Procedure other than
6 as expressly set forth in the Protective Order.

7 o. Defense Counsel has conferred with defendant
8 regarding this stipulation and the proposed order thereon, and
9 defendant agrees to the terms of the proposed order.

10 p. Accordingly, the parties have agreed to request that
11 the Court enter a protective order in the form submitted herewith.

12 IT IS SO STIPULATED.

13 Dated: April 29, 2025

Respectfully submitted,

14 BILAL A. ESSAYLI
15 United States Attorney

16 LINDSEY GREER DOTSON
17 Assistant United States Attorney
 Chief, Criminal Division

18 /s/
19 _____
 BRETT A. SAGEL
 NISHA CHANDRAN
 Assistant United States Attorneys

20
21 LORINDA I. LARYEA
22 Acting Chief, Fraud Section
 U.S. Department of Justice

23 /s/
24 _____
 THEODORE M. KNELLER
 ADAM L.D. STEMPEL
 Trial Attorneys, Fraud Section
 U.S. Department of Justice

25
26 Attorneys for Plaintiff
27 UNITED STATES OF AMERICA
28

1 Dated: April 29, 2025

/s/ (per email auth dated XX)

2 BRIAN R. MICHAEL

3 MARC L. MUKASEY

4 Attorney for Defendant

5 JOSEPH NEAL SANBERG